

REMARKS

In response to the Office Action dated March 1, 2005, Applicants respectfully request reconsideration based on the above Amendments and the following Remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-7 and 9-12 are pending in the present Application. Claims 2 and 11 have been amended and Claim 13 has been added, leaving Claims 1-7 and 9-13 for consideration upon entry of the present amendment and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. More particularly, support for new Claim 13 can at least be found in the Previously Presented Claim 11.

The Examiner's particular objections and rejections are now addressed in turn.

Drawing Objections

The Examiner objects to the drawings for elements 10, 20, 40 and 50 being improperly cross-hatched based on the material of the elements.

In reply, Applicants hereby submit corrected drawing sheets in compliance with 37 C.F.R. 1.121(d). The amended drawing sheets include all of the figures appearing on the immediate prior version of the sheet. The replacement sheets are labeled "Replacement Sheet" in the page header (as per 37 C.F.R. §1.84(c)).

All of the Examiner drawing concerns are addressed and remedied in the accompanying Replacement Drawing Sheets. Accordingly, reconsideration and withdrawal of the outstanding drawing objections is respectfully requested.

Specification

Guidelines for preferred layout of the specification for a utility application regarding 37 CFR 1.77(b) were suggested by the Examiner in the Action. Applicants respectfully thank the Examiner for providing suggested headings and herein amends the Specification according to the guideline provided.

A new title was also suggested by the Examiner to clearly indicate the invention to which the claims are directed. Applicants respectfully thank the Examiner for providing a suggested title and herein amends the title to "Plastic Joint."

Claim Objections

Claims 2 and 11 are objected to because of informalities.

In Claim 2, the Examiner asserts that the term "especially" renders the claim indefinite. Applicants herein amend Claim 2 to delete the phrase "especially longitudinal grooves" and adds Claim 13 depending from Claim 2 to further define the profiling as including "longitudinal grooves." It is further suggested that "the seal" in Claim 11 should read "a seal." Applicants respectfully thank the Examiner for the suggested language and herein amend Claim 11 to recite "a seal." Reconsideration and entry of the amendment, and withdrawal of the relevant objection is respectfully requested.

Claim Rejections – 35 USC §112

Claims 6 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner asserts that "a common end surface" in Claim 6, line 2 is unclear as to which surface of which element the phrase refers. Applicants respectfully disagree and traverses the rejection.

A preferred embodiment describes a plastic sealing element for a secure and permanent covering and sealing of the joint area at least on its *outer, upper surface*. (Paragraph [0007].) With reference to Figure 1, the seal element 40 is stretched over the crosshatched areas. (Paragraph [0015].) The seal element 40 is best shown in Figure 2 extending over *the outer surface of the ring 11, conically tapered end surfaces* of the first joint element 10 and the *end face* of the second joint element 20, which are all located on an *outer, upper surface* of the joint elements 10, 20. (Paragraph [0020].) Therefore, Applicants respectfully submit that “a common end surface” recited in Claim 6, line 2 is clearly set forth in the specification and drawings. Reconsideration and withdrawal of the relevant rejection is respectfully requested.

Claim Rejections – 35 USC §102

Claims 1-3, 5-7 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,567,074 to Numata et al. (hereinafter “Numata Patent”). Applicants respectfully disagree and traverse the rejection. The 102(b) prior art date for the present application is 19 August 2002 (1-year prior to the filing date of 19 August 2003). The Numata patent was issued after 19 August 2002 and is not 102(b) prior art against Applicants application.

Applicants further note that the publication of Numata’s corresponding U.S. application occurred on 7 February 2002 and qualifies as 102(b) prior art against the present application. A copy of the publication, US 2002/0015021 (hereinafter, “Numata App”), is provided in an accompanying Information Disclosure Statement. In any event, the Numata App does not teach all of the limitations of the rejected claims. The following Remarks and corresponding citations are made with regard to the Numata App.

Independent Claim 1 recites a plastic joint designed to hold a selector pin that is capable of moving around at least one swivel axis, the plastic joint comprising, *inter alia*, an inner, first joint element and an outer, second joint element for mounting in a device, wherein the first joint element includes a first plastic material with axially

opposite end sections, and the second joint element includes a second plastic material with borings that lie within the swiveling axis, which hold the end sections such that they form the swiveling axis.

Firstly, the Numata App does not teach a plastic joint designed to hold a selector pin. To support the rejection, the explanation in the Office Action cites operating unit 2 as disclosing the selector pin of the claimed invention, but does not provide the teaching or explanation as to how this feature of the Numata App is equivalent to the limitation in Applicants claims. Applicants respectfully contend that the rejection details in the Office Action mischaracterizes the teachings of the Numata App with regard to the above mentioned features. The operating unit 2 as shown in Figure 2 is a four-lobed, block-like feature as further described by its four *block-like push buttons* 2a through 2d are formed at intervals therebetween, protruding *flange* 2e and a connecting section 2f. (Paragraph [0031].) That is, the operating unit 2 nor its features resemble a pin as recited in Claim 1.

Secondly, the Numata App does not teach an inner, first and an outer, second joint element, wherein the first joint element includes axially opposite end sections, and the second joint element includes borings that lie within the swiveling axis which hold the end sections such that they form the swiveling axis. To support the rejection, elastic member 4 and supporter 6 are construed to be equivalent to first joint element, and circuit board 5 and wall 8 are construed to be equivalent to the second joint element, but “end section” and “boring” are not further explained in the Office Action. Applicants respectfully contend that the rejection details in the Office Action mischaracterizes the teachings of the Numata App with regard to the above mentioned features.

For example, a swiveling axis along may be considered along the projections 4a and 4b. To teach the above limitation of Claim 1, the elastic member 4 and supporter 6 would include axially opposite end sections. As best shown by Figures 3A and 3B, elastic member 4 nor supporter 6 include end sections as taught in the claimed invention 4a-4b axis. In fact, supporter 6 has a space in the 4a-4b axis, not any feature.

Therefore, neither the elastic member or the supporter of the Numata App cited in the Office Action teaches a first joint element including axially opposed end sections.

For the sake of argument, even if the elastic member 4 were considered to have end sections, such as the lobe area on which projections 4a and 4b are located, it would follow that the circuit board 5 and wall 8 would include borings lying within the 4a-4b axis which hold these lobe areas. As shown in Figure 2 and especially in Figures 3A and 3B, circuit board 5 nor the wall 8 includes borings corresponding to the lobe areas of elastic member 4. Therefore, neither of the cited Numata App features teach a second joint element including borings that lie within the swiveling axis which holds end sections.

Thirdly, as shown by Figures 3A and 3B, the swiveling axis is defined by hemispherical small projection 1e and supporting portion 1f on the bottom of panel 1 as the fulcrum for the inclination movement of operating unit 2. (Paragraph [0030].) That is, there is no interaction of any axially opposite end sections and corresponding borings such that they form the swiveling axis of the claimed invention.

The Numata App also does not teach the selector pin equipped on a part of its circumference with profiling in which the first joint element is set nor a ring encompassing the selector pin adjacent to the first joint element, as recited in Claims 2 and 3. Firstly, as discussed above, operating unit 2 does not teach the selector pin of the claimed invention. Necessarily then, operating unit 2 does not include a circumference of the selector pin, nor a ring encompassing the selector pin.

Secondly, while a “peripheral shape” is construed as teaching profiling, a shape cannot be considered equivalent to the profiling, e.g. longitudinal grooves, as taught by the claimed invention. Thirdly, while a “peripheral surface” is construed as teaching a ring, a shape cannot be considered equivalent to the ring as taught by the claimed invention. Therefore, the Numata App does not teach the limitations of Claims 2 and 3.

Thus, the Numata App does not teach at least all the limitations of Claims 1-3. Accordingly, the Numata App does not anticipate Claims 1-3, rendering the claims novel over the Numata App. Claims 1-3 are therefore allowable. Claims 5-7 and 12

are also rejected in view of the Numata App. However, these claims variously depend from allowable Claim 1, they are thus correspondingly allowable. Reconsideration and withdrawal of the relevant rejection of Claims 1-3, 5-7 and 12 is respectfully requested.

Claim Rejections – 35 USC §103

Claim 4 stands rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,567,074 to Numata et al.. For the reasons discussed above, Claim 1 from which Claim 4 depends, is allowable. Thus, Claim 4 is correspondingly allowable. Reconsideration and withdrawal of the relevant rejection is respectfully requested.

Claims 1-7 and 9-12 are further rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 5,738,352 to Ohkubo et al. (hereinafter “Ohkubo”) in view of U.S. Published Application 2002/0192020 to Meyer et al. (hereinafter “Meyer”). Applicants respectfully disagree and traverse the rejection.

To establish a *prima facie* case of obviousness, it is known that three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference(s) must teach or suggest all the claim limitations. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996).

The Examiner has conceded that Ohkubo fails to disclose a plastic joint comprising a second joint element including a second plastic material for which Meyer allegedly teaches. To support the rejection, the explanation in the Office Action cites core 2 as equivalent to the first joint element of the claimed invention, and half-shells 7,8 and pad 11,12 made of elastomeric material as disclosing the second joint and second plastic material of the claimed invention respectively. Applicants respectfully

contend that the rejection details in the Office Action mischaracterizes the teachings of Meyer.

Meyer discloses a pad 11,12 made of elastomeric material arranged *between the core and the outer shell*. (Paragraph [0004].) That is, the pad 11,12 is not part of the outer shell 7,8 and is a totally separate component. (See, at least Figures 1 and 10 and Claim 1.) Therefore, the elastomeric material of the pad 11,12 does not teach or suggest the limitation of the second joint (e.g. 7,8) including a second plastic material as recited in Claim 1.

Furthermore, Meyer discloses a core 2 and an outer shell 7,8 made of metal or plastic. (Paragraphs [0002] and [0003].) Meyer does not distinguish the plastic of the core 2 from the outer shell 7,8. That is, Meyer does not teach or suggest a first joint includes a first plastic and a second joint of a second plastic as recited in Claim 1.

As discussed above, the Ohkubo and Meyer, alone or in combination, do not teach or suggest all of the limitations of Claim 1. Thus, *prima facie* obviousness does not exist regarding Claim 1 with respect the cited references.

Additionally, since the relied-upon references fail to teach or suggest all of the limitations of Claim 1, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the references, nor a reasonable likelihood of success in forming the claimed invention by combining the references. Thus, here again, *prima facie* obviousness is unfounded. *Id.*

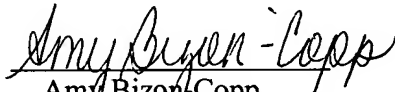
Thus, the requirements of *prime facie* obviousness are not met by the Examiner's 35 U.S.C. 103(a) rejection of Claim 1. Claim 1 is not further rejected or objected to and is thus allowable to Applicant. Claims 2-7 and 9-12 are also rejected over the Ohkubo and Meyer references. As Claims 2-7 and 9-12 variously depend from allowable Claim 1, they are correspondingly allowable. Reconsideration and withdrawal of the relevant rejection is respectfully requested.

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,
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AMENDMENTS TO THE DRAWINGS

Replace originally filed Figures 2-6 with the two (2) Replacement Drawing Sheets appended hereto.